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## Corruption of politicians, law enforcement, and the judiciary in Mexico and complicity across the border

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Mexico is a failing state, languishing under a deeply entrenched system of political corruption that undermines the three branches of government and compromises Mexico's law enforcement and national security capabilities. This article explores the culture of corruption that pervades the state and frustrates the rule of law in Mexico, examining how the political elites, the judiciary, and police officials embrace corruption as a primary means for career advancement and for acquiring personal wealth. It is an examination of a country overwhelmed by a system of government and commerce that has grown dependent on corruption in order to function. But such a system cannot sustain itself indefinitely, and the signs of the Mexican state's collapse are becoming more apparent in the wake of unprecedented political and social violence at the hands of corrupt actors and Mexican drug lords.

**Keywords:** border violence; bribery; drug trafficking; Mexico; political corruption; security threats

Lawlessness south of the United States–Mexico border is nothing new. A culture of crime and banditry has long existed throughout the northern Mexican states and the southwestern United States and has benefitted from geographical homogeneity, terrain favorable to criminal activities, impoverished communities easily attracted to enrichment through nefarious means, and a folklore mentality that celebrates the exploits of larger-than-life characters existing outside the law – glorified in music and legend as much for way they met violent deaths as for the way in which they lived. The *narcocorridos* sung in cantinas on both sides of the border chronicle the brazen exploits of drug traffickers who have assumed exalted places among the pantheon of outlaws stretching back to Pancho Villa, Pascual Orozco, and even Geronimo.<sup>2</sup>

The modern precursors to the drug cartels operating along the US–Mexico border were established through familial ties during the Depression of the 1930s when groups living on the both sides of the border began moving people and contraband back and forth between the two countries.<sup>3</sup> Over the ensuing decades, the violence and wealth attached to the modern cartels has reached mythical proportions. The proliferation of the transborder crimes of trafficking in drugs,<sup>4</sup>

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human beings, weapons, false documents, pharmaceuticals, and other various forms of contraband might be less prolific were it not for the high level of corruption among officials at all levels of the Mexican government, and a massive web of drug cartels, money launderers, and shady businessmen who profit from corruption on both sides of the border.<sup>5</sup> Corruption in Mexico is not so much a symptom of illegality as much as it is a time-honored method by which successive groups of political and business elites amass influence and vast wealth on their rise to becoming Mexico's power brokers, and are then replaced by another group of elites who through proven means of corruption, amass influence and vast wealth on their own rise to the top.

### **Political corruption in Mexico**

Corruption in Mexico has been defined as an abuse of the public trust to gain a private benefit.<sup>6</sup> On a more basic level, however, corruption represents not a failure of law, *per se*, but a lack of political will to hold accountable those individuals who would seek personal gain through illegal means.<sup>7</sup> All too often in Mexico, those who have the power to hold corrupt actors accountable to the law and to the nation are themselves corrupt.

Under the long control of the Partido Revolucionario Institucional (PRI), the government of Mexico developed and solidified a centralized structure with an ineffective federal system, an authoritarian political scheme with a strong president and weak and subservient legislative and judicial branches. Such an arrangement allowed the government to cultivate a blueprint of corruption and a lack of accountability by asserting widespread clientelist controls over the Mexican people. The PRI has portrayed itself as a system observing democratic principles and adherence to the rule of law while, at the same time, discretely preserving the political and economic prerogatives of a core group of power brokers and individuals and families intensely tied to Mexico's corporate monopolies and underworld criminality. As part of its political facade, the Mexican government has signed several international instruments to combat corruption. Among these instruments are the United Nations Convention against Corruption,<sup>8</sup> the Inter-American Convention against Corruption,<sup>9</sup> and the OECD's Convention on Combating Bribery of Foreign Officials in International Business Transactions.<sup>10</sup> Yet, Mexico is among nations having poor enforcement capabilities for combating corruption because political corruption is a crucial mechanism in the nation's unique style of government. Corruption actually aids in maintaining an equilibrium of sorts for the Mexican political and business systems and serves to undermine the potential of the organizations and economic forces to endanger the system.

Corruption also contributes to alleviating the demands imposed by Mexico's social classes by relieving the government of fiscal duties to provide the jobs and social services necessary to safeguard the civil society. The political system is designed to curtail questions about governmental policies and their goals.

Corruption is so deeply entrenched in Mexico that the goals of the system or the policies of government cannot be questioned. In fact, blaming failures of the system on individuals' ambition and offering up the occasional sacrificial lamb gives the government an easy and sustainable method for the government to control problems that could become politically explosive.<sup>11</sup> The quandary is that a government based on corruption as a means of getting things done cannot indefinitely sustain itself without the attendant harms associated with corruption overwhelming the capacity of the political system to hold those harms in check – unemployment, political discontent, failure of the legal system, economic crisis, inflation, and crime.

At the same time that political corruption in Mexico forms one of the underpinnings of government and business, Mexicans seem to both deride and relish the soap-opera-like scandals involving dramatic accusations and allegedly plausible evidence of pervasive corruption at all levels of government uncovered by the heroic efforts of clay-footed reformers and ideologues leading sporadic and often little more than ceremonial anti-corruption campaigns.<sup>12</sup> The PRI's control of Mexico for most of the last century was accomplished through a great deal of corruption, and in no small measure positioned the opposition candidate, Vicente Fox, to use fighting corruption as one of the main planks of his reform-oriented campaign for the presidency following the scandal-ridden administrations of his predecessors.<sup>13</sup> But even Fox, too, was tied to his own brand of corruption, known as 'blue corruption', the characteristics of which were described as modernizing all forms of *caciquism*.<sup>14</sup>

Recent data, however, suggests that corruption has not abated appreciably in Mexico under the successive reform-minded administrations of Vicente Fox and Felipe Calderón and their National Action Party (PAN), particularly in areas where organized crime asserts hegemony.<sup>15</sup> While Mexico has a legal framework in place to fight corruption, the Global Integrity Index for 2007 gave a 'Weak' rating to Mexico based on an index of integrity measurements compiled for more than 50 countries.<sup>16</sup> Data compiled by Transparency International also indicates that Mexico languishes behind many other nations in how the level of corruption is perceived there, and the 2008 Corruption Perception Index of 180 nations placed Mexico in 72nd place.<sup>17</sup>

As had been said, 'Corruption is not a characteristic of the system in Mexico. It is the system.'<sup>18</sup> It runs deeply throughout the cultural, historical, political, and social fabric of the nation, and emanates from an imbalance of the social, government, and business forces that confers to the Mexican state and its representatives a virtual monopoly on opportunities to achieve personal wealth and upward mobility. Such a structural asymmetry foment a peculiar pattern of generalized extortion<sup>19</sup> and a sense that it is easier to resort to corruption to get ahead than to work diligently and patiently to succeed based on merit, skill, and integrity. The Mexican state dictates the opportunities for upward mobility and the opportunities to advance almost exclusively through corrupt means form an important ingredient of state power. This condition emerges from internal

attributes comprising the fundamental structure of Mexican government and the role a class of political elites (which for many decades was only the PRI) plays in controlling the laws and procedures of a heavily bureaucratic system.<sup>20</sup> To get ahead, an aspiring 'servant' of the state must early on reconcile himself to the fact that corruption equals advancement and that one has to pay to play. The fact that corruption in government nevertheless undermines public confidence and creates a malaise of indifference and cynicism by the vast majority of Mexican citizens is irrelevant.

Corruption in Mexico has been so widespread and so persistent for so long that some believe the source of corruption is physiological in nature. According to one analyst, 'corruption seems to be part of our DNA'.<sup>21</sup> To excuse corruption as being part of the psychological or genetic fabric of the nation is an easy cop out. Paying into corrupt circumstances, however, is due more to practicality and reality rather than to genetic predisposition.<sup>22</sup> Corruption is not hereditary; it is a learned behavioral trait based on many factors, including necessity, pragmatism, fear, ambition, and hubris.

## **Elements of corruption among law enforcement**

### ***Unchecked greed and ambition***

Hubris may be a dominant element of corruption among the commanders of Mexico's law enforcement agencies, and the poster child for hubris and arrogance within the officer ranks of the police forces would have to be Major General Arturo 'El Negro' Durazo Moreno,<sup>23</sup> whose rise to prominence on the coattails of his childhood friend, President José López Portillo, became the stuff of which legends are made. Over the course of four decades, Durazo parlayed his rise to the top spot within the Departamento de Policía y Tránsito (police and transportation enforcement) into an empire of wealth and influence that utterly belied his official earnings of \$350 per month.

Durazo was both an enabler and an enforcer. He was linked to the torture and disappearance of suspected subversives during the Dirty War of the 1970s and 1980s, and his reputation for brutality gave him a panache that no one in government dared to challenge. His utter lack of restraint and excess was symbolized in the hilltop estate he built in the resort town of Zihuatanejo called *El Partenon*, an imposing residence modeled on classical Greek architecture and a profusion of tackiness.

Durazo elevated political corruption to an art form unsurpassed in Mexico during the late twentieth century and used his political connections and the power of his office to reward allies and punish anyone who might stand between his ego and his desires. Among the many stories circulating about Durazo is one in which when told that he would need 150 workers to complete timely construction of a palatial home he envisioned, replied that he would have 650 policemen on the job site ready to begin work the next day. Related to this was the manner in which he acquired the land on which to build the home by offering the landowners

lucrative and important jobs in the police for their sons and daughters in exchange for a fair price for the land. Later, he would tell the landowners that their children had been caught doing illegal acts on the police force and that if the landowners reneged on turning over their land as agreed, he would have their sons and daughters jailed for a very long time.

Durazo was instrumental as well in creating celebrity in Mexico among the nation's most political elites. He is credited with having financed and promoted the rise to stardom of the popular Mexican singer Luis Miguel and brokered highly lucrative business arrangements between powerful businessmen, drugs lords, and politicians. In the mid-1980s, Durazo also arranged summits among Mexico's leading drug lords that became known as the Empire of Evil and provided for their security. His excess contributed in no small measure to a deepening economic crisis in the central government and, when President Miguel de la Madrid came to power in 1982 on a mandate to change economic policy and moral reform, Durazo was among the prize targets to be investigated and ultimately charged with corruption, weapons smuggling, and crimes of extortion. He was subsequently arrested under an Interpol warrant in Los Angeles, California in 1984, extradited to Mexico, convicted, and imprisoned for eight years until released for good behavior and medical reasons.<sup>24</sup> While his assets were seized by the government, controversy continues over the actual disposition of Durazo's wealth and who in the government may have subsequently benefited from his misfortune.<sup>25</sup>

Durazo's collusion with underworld criminals is not at all unique among Mexican officials as indicated in the following report:

When Sinaloa drug cartel leader Hector 'El Guerrero' Palma was arrested by the military in June 1995, he was at the home of the local police commander; the majority of the armed men protecting him were federal judicial police. Subsequent investigations revealed that Palma had bought off the senior federal judicial police commanders in Guadalajara with several \$40 million payments.<sup>26</sup>

### ***Poor public perception***

With police officials such as Durazo gaining such notoriety, it is little wonder that 80% of the Mexican population believes that police are generally corrupt<sup>27</sup> and that at any time a police officer might attempt to shake a civilian down in some way. Mexican children learn early on from older family members not to trust police or any Mexican authorities.<sup>28</sup> Even American tourists in Mexico have known for decades that carrying extra money specifically to pay off police officers who may detain them is a requisite for travel south of the border.

Contrary to the United States where television and film portray police officers and detectives as larger-than-life heroes and guardians of society, Mexican police have long been portrayed in telenovelas and on the big screen as corrupt and incompetent oafs or sinister antagonists. Such stereotypes, justified or not, contribute to the negative perception that police do not investigate reports

of crimes and, in many instances particularly those involving crimes against women and children, further victimize the victims or protect those individuals, such as corrupt labor managers, unethical manufacturers, brothel and nightclub owners, and racketeers who exploit women and children.

### ***Poor compensation and benefits***

Corruption among police forces is due primarily to the inability of most Mexican police officers to earn a living wage and benefits that would possibly dissuade them from pursuing illicit activities. Among Mexico's 350,000 police officers working among 1,661 local, state, and federal law enforcement agencies,<sup>29</sup> thousands earn less than \$250 per month. There is abundant anecdotal evidence of how the combination of inadequate legal compensation and a powerful drug underworld provides many opportunities for police to use their positions for easy, if not often risky, personal enrichment. Some have described police agencies as syndicates designed to funnel money upward to police supervisors from patrolmen who shake down prostitutes and run protection rackets to make their payments.<sup>30</sup>

As recently as June 2009, 93 Mexican police in the central Mexican state of Hidalgo were arrested on corruption charges for being on the payroll of the Zetas, the paramilitary enforcers of the Mexican drug cartels. Some officials arrested in the operation were receiving as much as \$225,000 per month.<sup>31</sup> In the small town of La Junta in northern Mexico, police officers earn about \$1,000 per month yet many wear fancy clothes, drive nice cars, and carry expensive weapons.<sup>32</sup> The cops who try to be honest run grave risks to their personal safety and have little hope for advancement in their careers when police supervisors and officials are on the take from drug traffickers. When one detective tried to question some of his colleagues about their affluence on such low salaries, someone tried to set him up for a bribery attempt involving an investigation in which he had transferred two suspects from a jail cell to the police station. An anonymous caller told the detective, 'You transferred some of my guys who work for me. And I want you to let me know every time you go to see them.'<sup>33</sup> The detective knew that drug traffickers paid cooperative police officers \$3,000 up front and an addition \$2,000 each time a cop tipped the traffickers off on impending raids or provided other intelligence. Two weeks later the detective's family was threatened, and when he went to his supervisor to ask for protection, the supervised ignored him and said there was nothing he could do. The detective then fled with his family to the United States to request political asylum.

In such a climate of corruption, honest police officers have almost no hope of doing their jobs with integrity and with support from supervisors. The only alternatives for many who go into law enforcement with a desire to help their community and nation are to buy into the corruption or get out, which often entails leaving the country altogether. The problem with going north, however, is that most police officers do not qualify for asylum in the United States because



their claims are not on the required grounds of political persecution or persecution for being a member of a protected class.

Like many professionals in Mexico, adequate salaries to live on and to support a family are elusive. The number of Mexicans migrating illegally to the United States each year for work opportunities would suggest that employment in Mexico is in a constant state of crisis. Economic studies undertaken in the latter part of this decade, however, indicate that Mexico's unemployment rate is actually significantly lower than unemployment figures in France, Germany, and the United States.<sup>34</sup> The problem is that the peso has little buying power in an economy where 40% of Mexican citizens live below the poverty line. In fact, reportedly, 'The poverty class in Mexico may have more in common with homeless Americans than they do with poor Americans.'<sup>35</sup> Yet, as of January 2009, the official daily minimum wage set by the Mexican government for Mexico City and cities along the US–Mexico border is only 54.80 pesos (\$4.18) per day,<sup>36</sup> compared to a minimum hourly rate across the border in the United States of \$7.25 in Arizona, \$8.00 in California, \$7.50 in New Mexico, and \$7.25 in Texas.<sup>37</sup>

Drug traffickers operating throughout Mexico have little hesitation in spending a lot of money buying off local law enforcement because the difference between the benefit drug lords reap to pay bribes and the huge benefit corrupt officers receive is so vastly disproportionate. A study by the Autonomous National University in the late 1990s indicated that drug traffickers spent somewhere in the area of \$500 million per year on bribes, more than double the annual budget of Mexico's Attorney General's office.<sup>38</sup> Five hundred dollars paid to a policeman making less than that in a monthly salary to look the other way on any given day is a pittance to drug traffickers who will make millions on the successful result of that bribe. Moreover, the fear factor of not accepting an offered bribe goes a long way as well. According to one police officer interviewed recently, 'If they (drug traffickers) offer you 500 dollars a day, well it's pretty tempting, and if you say no, they kill you. So we're in a pretty tough position, huh?'<sup>39</sup>

The extreme amount of money passed around by drug cartels to buy up police officers and police commanders creates highly contentious competition among law enforcement, particularly between local and federal police, who have been known to engage in shootouts for control of key posts along drug trafficking corridors, and between 'police operating as law enforcers and police operating as law breakers'.<sup>40</sup>

Officials in the Mexican government have also engaged in franchising arrangements with law enforcement agencies in which, in exchange for producing results in the war on drugs, the official receives generous kickbacks from law enforcement commanders and federal prosecutors for appointments to profitable postings along border trafficking corridors and major drug production areas.<sup>41</sup> In other words, the officials in charge of anti-drug policies and prosecutions strive for a balance of showing success in fulfilling the mandates



given to them by whichever president is in power while using corruption within the system for personal enrichment by regulating the amount of seizures that occur on their watch – enough to make it look like they are accomplishing something, but not enough to eat into the drug traffickers' profit margins.

Mexican police officers in the northern states on average earn a far lower monthly salary than their American counterparts just across the border. Using 2005 figures, Shirk notes that Mexican police officers in Tijuana earn \$300–600 monthly compared to roughly \$4600 per month earned by police in the neighboring community of Chula Vista, California. Granted, the costs of living are very different between San Diego County and Baja California, however, the salaries paid to American police officers demonstrate the commitment of local government in the United States to pay a professional salary in exchange for professional work and adherence to professional standards. As Shirk points out, 'That to me shows the investment we are willing to make in a professional police force. It's not just giving a guy a gun and a badge and saying, "Go out and do a good job"'.<sup>42</sup> Moreover, a beat cop on the streets of Tijuana, just like a patrolman in San Diego, will take his cues from the top officials in his department. If he sees bribery and corruption as a means for advancement and survival within that law enforcement infrastructure, then he might not be expected to do otherwise – especially in communities where economic conditions are stressed and societal circumstances suppress the ambitions of individuals from humble backgrounds to climb up the social and economic ladder.

Because a Mexican police officer's salary and compensation benefits are generally insufficient to live on comfortably and to make police work a career vocation, there is a mindset among police officers that they are expected to use extortion to augment their salaries. The government tacitly looks the other way with a nod and a wink at this longstanding practice because it reduces pressure on law enforcement budgets to provide the officers a decent living wage and it contributes to the perpetuation of a patronage system that has its roots deeply embedded in Latin American culture.

Allowing officers to step outside the bounds of integrity to obtain greater compensation actually aids in the retention of experienced police officials and reduces pressure on officials higher up the chain of command or in other branches of government from worrying too much about being held accountable for their own corrupt activities. If everyone is on the take, then no one is going to upset the system, and no one is going to overturn the rice bowl of a colleague.

A noted American travel photographer tells the anecdote of a photo shoot that was done at the home of the mayor of a desirable Mexican Riviera resort town back in the 1980s in which the opulence of the mayor's hillside mansion overlooking the Pacific Ocean surprised even the photographer's seasoned experiences. When asked by the photographer how it was possible for the mayor to live so lavishly on a modest government salary, the mayor replied, with a conspiratorial grin, that that he enjoyed generous political support and that his constituents expected the mayor to demonstrate affluence and success. It was

a tradition, the mayor said, that citizens take pride in the exalted status of their public officials, and that it gave Mexicans the ambition to reach high in the pursuit of their own dreams.

Corruption creates its own equilibrium and a symbiotic relationship develops between government officials and law enforcement. Each side knows that as long as they leave each other alone to pursue their own forms of corruption, then everyone will generally be happy. The trouble develops when outside influences interfere with that balance in the relationship, such as an investigation launched by a political rival, a directive from central government, or pressure from a foreign entity such as the United States government, the World Bank, or some particularly effective (and likely very lucky) anti-corruption watchdog.

### *Few opportunities for career advancement*

Mexico is a collection of states, similar to the United States' federation of states. Along Mexico's 2,100-mile-long northern border, more than 12 million people reside in communities on both sides of the border.<sup>43</sup> Most residents are dependent on trade and industries that rely on the exploitation of skilled and unskilled labor, and more than 70% of the population resides in 14 sets of twin cities such as San Diego–Tijuana; Nogales, Arizona–Nogales, Sonora; El Paso–Juarez; Laredo–Nuevo Laredo; and Brownsville–Matamoros. The population of the region has more than doubled since 1980, creating severe pressure on the existing physical infrastructure and the environment. However, Mexico City is very much the center of the nation culturally, intellectually, politically, and economically, with few exceptions. The best and brightest of Mexicans living along the northern frontier have lacked opportunities to develop careers and prominent livelihoods along the northern states and invariably head to Mexico City, Monterrey, Guadalajara, or the United States to pursue their professional aspirations. The dramatic increase in violent crime in border cities has exacerbated this problem and, as affluent and professional class Mexicans flee the border cities especially north into the United States, the jobs their presence in the border economies create and sustain are lost. Highly educated Mexicans from prestigious Mexican universities have emigrated to lucrative jobs in technology and business in Northern Texas and California, many doing so under claims of asylum. According to one estimate, 14,000 of the estimated 19,000 Mexicans who hold doctoral degrees reside in the United States.<sup>44</sup> Another report notes that 20,000 Mexican professionals emigrate yearly, at a loss of nearly \$7 billion in earnings to boost the Mexican economy.<sup>45</sup> Asylum claims in El Paso, Texas jumped from 12 in 2005 to 80 in 2008. Kidnappings targeting the professional class and corruption among law enforcement play prominently in the decision to leave border cities. According to one case worker in El Paso, 'We're seeing complete families fleeing from our sister city Juarez. They are middle-class business people. . . . Their loved ones are being kidnapped, and they are asking extremely high amounts of money.'<sup>46</sup>

For a time, the growth of maquila industries along the US–Mexico border in the early 1990s held promises of prosperity for both blue collar and white collar Mexicans. But the region’s economic sluggishness due to a downturn in the global economy over the last decade and significant mounting environmental problems associated with maquila plants contributed to a downturn for many manufacturing operations and their subsequent removal to China and other Asian and Latin American destinations.<sup>47</sup> Jobs are precious along the US–Mexico border and, in maquilas, securing a job and career advancement has in many instances been subject to corruption among labor management and labor unions.

Many police officers have very little formal education; some lack even a high school education and are functionally illiterate, and because higher paying positions in law enforcement require administrative and management proficiency and analytical skills, most police officers have no hope of advancing into higher paying and more prestigious positions. Their only alternative is to go on the take. While this creates a culture of corruption in law enforcement, it also relieves law enforcement agencies of the financial burden of training its officer corps and paying higher salaries as police officers progress in seniority. Moreover, just because better educated police may occupy management positions and have better training and skills sets does not mean they are less susceptible to corruption. In a culture of corruption, the higher up receive large bribes commensurate with the responsibilities they carry in their work that must be overcome by drug traffickers and others seeking to subvert the law.

### *Poor training and education*

In late 2008, Mexican President Felipe Calderón admitted that an evaluation of 56,000 local, state, and national Mexican police officers indicated that 49% of them were unqualified to do their jobs and incapable of combating the drug cartels.<sup>48</sup> Mexican police are woefully undertrained and under-prepared to assume law enforcement responsibilities. One police officer recently interviewed studied up to the third year of secondary school and then took a one-month-long course to become a police officer. His salary after eight years on the force is only \$460 per month. One month of police training may include some physical training, rudimentary training in the law, ethics, and human rights, personal defense tactics, and handling weapons.<sup>49</sup>

In contrast, Mexico’s national police force, the 15,250 member Federal Preventive Police, also known generically as *federales*, is comprised of 10,000 members of the army and navy, and the remainder from the Federal Investigations Agency.<sup>50</sup> Recruits to this force must have a high school diploma and undergo at least three months of formal police training. Their salaries are around \$1,000 per month. Yet, even while they might be considered higher on the ladder of law enforcement, the *federales* are still susceptible to corruption as corruption is ingrained in the system and its members are still subject to the same forms of bribery or extortion by drug traffickers and other criminal elements.

When a police officer was told that his counterparts in the United States make more than \$3,000 per month and go through rigorous academy training and follow-up training for at least two years, the officer noted, 'That's why they're respected there, while here in Mexico people just give us dirty looks.'<sup>51</sup> In such a climate of disrespect and lack of career potential and professional development, how can anyone think that corruption among law enforcement can be combated?

At least one government official has tried to turn things around through unconventional thinking. In the small town of Nezahualcoyotl outside Mexico City, Mayor Luis Sanchez thought that the best way to improve the public perception of his police force and make his officers more professional, ethical, and better at communication was to force them to read.<sup>52</sup> Beginning in 2005, all 1,100 officers were required to read one book each month. Failure to do so results in forfeiture of career advancement.<sup>53</sup> The officers receive reading lessons, if needed, and select their readings from a recommended list. They are tested and graded on their readings and on six other proficiency requirements, including physical training, ethics, and law enforcement. The mayor believed that by requiring his police officers to read, '70% of whom have no more than eighth-grade educations', they would be less rude to citizens, gain manners, and be more welcome in the areas they patrol.<sup>54</sup> In addition to requiring reading, the mayor also provisioned his officers with new uniforms, police cars, and even a new helicopter. Over the course of two years of improving working conditions and implementing better policing techniques, the mayor reported a 20% reduction in crime.<sup>55</sup>

Perhaps by gaining a moral compass through literature and other 'civilizing' influences, police officers may be more resistant to corruption. On the other hand, exposure to literature championing greater human ideals and self-esteem might also cause them to rethink the manner in which they are so poorly paid and trained and create dissention and rebellion in the ranks.

Resistance to change among the old guard is also an impediment to rooting out corruption – a condition by no means exclusive to Mexico. Referring to the reading requirement instituted by Mayor Sanchez, one officer noted, 'The majority of us are confused because other mayors have come and made promises that haven't been fulfilled.'<sup>56</sup> However, another officer, one of the 10% of the police who has a high school education, was more hopeful that while people don't read much in Mexico, perhaps forcing the police to do so might awaken cultural interests among the police force.<sup>57</sup>

### *Poor management and squandering resources*

Police corruption is further exacerbated simply by poor management of resources and faulty policing. At the national law enforcement level, President Calderón has spent the better part of the last two years tweaking and reorganizing the national system of public security. But his administration has not done the necessary cleaning out of the agencies known for inefficiencies and corruption. One critic of Calderón's reforms notes that the model upon which the reforms are

based prevails only in African nations and that 'such a model is viewed as one of the most archaic in the world by nations like Italy, France, Germany, Colombia and El Salvador'.<sup>58</sup> A major problem with Calderón's reform concerns the political character of Mexico, since the local and state government entities 'are instruments of power by mayors and governments designed to serve their political interests and parallel powers, such as narcotrafficking, and not to serve the society'.<sup>59</sup> In fact, recently reorganized and unified national police are no better off than prior to Calderón's meddling. After removing 284 police officers, the replacements are less well trained, management is described as chaotic, and the ground is more fertile for corruption. For example, one Igor Labastida was appointed Director of Trafficking and Contraband in the Department of Regional Security after that position had been relocated from the Department of Intelligence. Labastida was shortly thereafter assassinated, and it was revealed that he was being investigated for links to the Sinaloa Cartel.<sup>60</sup>

Beat cops have not been well managed by their agencies, either. The traditional method of patrolling a town was little more than a process of turning loose a poorly educated officer with a badge and a gun to go out and wander the streets without any particular method of patrol or supervision. Such a lack of command and control created abundant opportunities for police officers to cross the line and get into situations of compromise or to become involved in nefarious activities with *de facto* impunity.

One way to reduce corruption and begin to alter negative perceptions by the public toward the police is to curtail an officer's ability to roam freely around a jurisdiction. Some police chiefs have begun to limit patrolmen to a specific area in order to monitor better their work performance and hold them accountable when problems arise or complaints are made. This could include limiting patrol areas to a certain number of square blocks or square kilometers within a jurisdiction and placing vetted supervisors out in the field to monitor the activities of patrols under their charge. Limiting the amount of time a patrolman is out on the street and rotating them through shifts and around a precinct also reduces the opportunities for police officers to be exposed to potential situations for bribery and corruption. Another possible aid to curb bribery and corruption would be to implement the kinds of community policing methods employed in the United States which have proven successful in improving police relations with the public.

Fundamental to combating corruption is the need to ensure that fiscal resources allotted to local law enforcement actually get from the federal and state government to the destination agencies and are properly used. A significant body of research suggests this does not occur in Mexico even as the Mexican government, in the face of mounting public demand and protest, has drastically increased federal resources for law enforcement, particularly along the northern border. In 2005, the federal government allotted \$500 million in funding to state and local law enforcement agencies, a 32% increase over the prior year. But monitoring of the dissemination of the funds indicates that the money did not reach many of the destination agencies. Instead, Mexican state legislatures

diverted the funds elsewhere in a process that is characterized as 'inevitably political'.<sup>61</sup> According to the same Mayor Sanchez who implemented the reading requirement for his officers, not 'a single cent' of additional funding from the central government was making its way to his law enforcement organization.<sup>62</sup> Instead, he was forced to divert funds for other municipal projects to increase police spending by 50% in order to give new police officers a starting salary of \$700 per month.<sup>63</sup> He and Amador, his police chief, also radically reorganized patrolling methods. Instead of roaming freely, officers have 50-block coverage zones from which they are not supposed to stray.

### **Military deployments in the war on drugs**

In the 1990s, the Mexican government undertook to train special forces units to combat drug traffickers under the false belief that their specialized training and elite status would render them impervious to corruption. Instead, the soldiers took their special forces training and fire power, deserted en masse over to the drug cartels, and formed a violent paramilitary-styled illegal armed group called the Zetas. The wholesale defection of these highly skilled fighters dealt a demoralizing and strategic blow to the Mexican government and raised the level of violence, particularly in border towns, to heights never before seen in modern Mexico.

In another incident in 1991, Mexican army members opened fire on 10 federal judicial police attempting to arrest smugglers and confiscate their shipment of 800 pounds of cocaine at a small airfield in Veracruz. Seven policemen were killed and the traffickers escaped. Aerial surveillance of the operation by United States Customs showed that the army was protecting the traffickers.<sup>64</sup>

Despite the loss of elite military personnel and an abundance of evidence that army personnel and their commanders are as easily corrupted as local police, President Calderón persists in insisting that because soldiers are better trained, more disciplined, and less prone to corruption, they are better suited to disrupt drug cartel operations and seize illicit firearms.<sup>65</sup> He continues to order the deployment of army units into areas along the US–Mexico border to fight the growing drug wars between the cartels and between cartels and the Mexican government and to replace local law enforcement whose ties to drug traffickers render them incapable of fulfilling government mandates to fight the drug war. However, the lingering issue of low pay for high risk (an enlisted soldier's average monthly pay is \$400 per month) has resulted in many soldiers deserting over to the ranks of cartel 'private armies' throughout Mexico between December 2000 and November 2006.<sup>66</sup> Many of the defectors go from earning a few hundred dollars a month to more than \$100,000 per month as cartel enforcers.<sup>67</sup>

### **Corruption in the judiciary**

Corruption, inefficiency, and the lack of transparency form a widespread and structural phenomenon that continues to be key problems in Mexico's justice



system.<sup>68</sup> The nation's entire judicial system is near collapse due in large part to corruption among its key members: the judicial police officers and judges.<sup>69</sup> Contrary to what analysts may argue, judicial corruption is grounded more in economics and politics than in Mexico's civil law tradition. According to a United Nations study, 'the legal traditions *per se* (civil vs. common law) are not a significant factor in the determination of justice-sector corruption'.<sup>70</sup> Corruption in the judiciary is fomented by weak accountability, lack of transparency, lack of oversight and imposition of disciplinary measures, and a flimsy participation by the civil society in the affairs of justice.<sup>71</sup> Not only does the judicial system fail to punish corrupt judges, it also fails to protect them from corruption.<sup>72</sup> Rather, the system rewards corrupt judges, and if they are dismissed for corrupt acts, they are nearly assured of reinstatement through the constitutional system of *amparo*.<sup>73</sup> Moreover, the agency responsible for protecting the integrity of the judges' decisions, the Federal Judicial Council (CFJ), refuses to take action against corrupt judges even in the face of evidence showing connections with drug cartels and court decisions denouncing judicial 'ineptitude and lack of knowledge of criminal law'.<sup>74</sup>

Out of 67 countries studied, Mexico ranked among the lowest in quality of justice-sector resolutions,<sup>75</sup> and a report by a United Nations Special Rapporteur estimated that between 50 and 70% of Mexican judges were corrupt.<sup>76</sup> Collusion between judges and organized crime and the penetration of drug cartels in the judicial system in order to influence judges' decisions and to manipulate them in their favor have been widely publicized. Yet, it was not until 2008 that the Supreme Court of Mexico acknowledged judicial corruption as a problem in their country.<sup>77</sup>

Corruption of the judicial takes the form of drug cartels bribing and/or threatening judges with *plata o plomo* (silver or lead) – a choice between a bribe or a bullet.<sup>78</sup> However, Mexican drug lords were, in the past, more or less content to penetrate the police and politicians or pay prison officials to allow escapes from jail. The recent targeting of judges raises questions about whether the killing of judges is a response to an actual government crackdown on the cartels, a 'clear sign of decomposition of previous relationships between organized crime and corrupt officials', or a move to emulate Colombian drug cartel tactics of killing judges as a method of doing business by intimidating and terrorizing the judiciary and the general public.<sup>79</sup> Moreover, if Mexican judges have been labeled 'judges of the traffickers',<sup>80</sup> then why would the judiciary be targeted for violence? One reason may have to do with the making of alliances since judges involved in narcotrafficking cases seem to become faithful to a particular drug cartel. Such is the case of Judge Jose Luis Gómez Martínez who has absolved several cases implicating members of the Sinaloa Cartel. In one case, he declared innocent two people accused of transporting \$7 million in cash and \$500,000 in jewelry and watches for the Sinaloa Cartel. His decisions, which patently violated the criminal procedural code, not only triggered complaints by the Attorney General's Office, but prompted the Attorney General to launch its own



investigation. Regardless of any investigation, the defendants remain free and the judge has not been sanctioned even though an appeals court reversed the decision and found the defendant criminally liable.<sup>81</sup> In another case of judicial corruption, the Mexican army detained in Nuevo Laredo a group of 18 hit men loyal to the Sinaloa Cartel. They were found to be in possession of 28 long guns, 2 handguns, more than 10,000 rounds of ammunition, 12 grenade launchers, 18 hand grenades, smoke grenades, bulletproof vests, and equipment reserved for military use. Judge Gómez set them free, arguing lack of evidence of their involvement with organized crime.<sup>82</sup> In a third case, Judge Gómez ordered the freedom of the son of one of the Sinaloa Cartel's leaders, Archivaldo Iván Guzmán Salazar, after the son was accused of money laundering and murdering a Canadian tourist.<sup>83</sup>

Judicial corruption provides fertile ground for all types of crimes, but the biggest winners have been the drug cartels, who themselves become the *de facto* law in the areas of the national territory under their control. Drug cartels invest millions of dollars in corrupting judges and other public officials in order to advance their illegal ventures,<sup>84</sup> and they depend on criminal syndicates, corruption, intimidation, and brutal violence to protect their interests.<sup>85</sup>

Corrupt judges allow powerful criminals to work unobstructed and to occupy ungoverned space.<sup>86</sup> Moreover, judicial authorities lack respect in light of the actions and inactions taken by judges. Corrupt judges have damaged the image of such an important institution because even if many judges have been accused of corruption with evidence produced by the news media, they continue in their positions, representing justice and objectivity in manners that are little more than a sham.<sup>87</sup> Moreover, Mexico's corrupt judges endanger the society by putting out on the streets dangerous delinquents, kidnappers,<sup>88</sup> murderers,<sup>89</sup> rapists,<sup>90</sup> and the foot soldiers of organized crime.<sup>91</sup>

Due to the relentlessness of the press in reporting on corruption and the experiences Mexican citizens have had in judicial proceedings, public trust in the justice system is very low and discontent very high. More than 80% of Mexican citizens interviewed considered the judicial system corrupt and in the pockets of the elite. Many Mexican citizens perceive judges as a 'mafia', an institution established only for the benefit of those with no money who must use their judicial positions to maneuver into a patronage-fueled system in which cronyism, family ties, and wealth count more than merit.<sup>92</sup> At the same time, however, the civil society is not innocent in judicial corruption; citizens prey on the judicial weak system and exploit structural inefficiencies to obtain personal gain to the extent that one in three people using the court system in Mexico has paid a bribe to gain favorable rulings.<sup>93</sup>

### **Poor enforcement against corruption**

Those who engage in corrupt practices in Mexico know there is very little risk of being held accountable for their conduct. They know that the numbers favor their

ability to avoid prosecution. According to Eduardo A. Bohorquez of *Transparencia Mexicana*, corruption is not endemic as much as it is epidemic.<sup>94</sup>

The persistence of corruption among law enforcement is due to a lack of desire by the Mexican government to stop it. Corruption actually benefits the Mexican government in much the same manner as remission benefits the Mexican government and the Mexican economy. Remissions from the United States back to Mexico from Mexican nationals take a great deal of pressure off the Mexican government to create jobs and provide better social services and improve the standards of living for its citizens. Every dollar sent to Mexico from the United States to sustain a Mexican family is one less dollar the Mexican government has to spend to take care of its citizens. In the same way, corruption takes financial pressure off the Mexican government to pay higher salaries to law enforcement officials and to increase expenditures to professionalize police forces. If the government knows that Mexican police make money on the side through nefarious means to make up for their shortfalls in salaries, then there is little incentive for the government to increase salaries and compensation. In a way, sustaining corruption in Mexico is a matter of cost-benefit analysis. Corruption is economical feasible as long as the balance between corruption and lawlessness is not upset, and it seems obvious that the Mexican government believes that the collateral damage caused to the state by corruption among law enforcement is not so damaging to the economy and society as to necessitate changing the status quo. The problem is that violence has now spun out of control due to the decades of *laissez faire* attitudes the government has taken toward combating corruption and the solutions are costing a great deal more in political and economic capital than could have been anticipated.

The only sure way to curtail law enforcement corruption is to make the penalty for corrupt practices far greater than the rewards are worth. Police officers caught and convicted for corruption should face lengthy prison sentences and forfeiture of their assets. They should be vetted periodically and constantly monitored for signs that they are crossing the line into illegal activities. The higher the position a corrupt actor occupies in law enforcement, the more severe should be the penalties and sanctions imposed. The approach should be one of a carrot and a stick. In order to become a police officer, one must take a solemn oath to protect the public trust and to serve the rule of law. By taking on the mantle and responsibilities, a police officer will be required to have an education, will go through a rigorous police academy training program, and will be subject to satisfying continuing education as a requirement for career advancement. Police officers will be paid a living wage that allows them to provide a solid middle class livelihood for themselves and for their dependents. Advancement will be based on merit and performance. The job of a police officer must become one of pride and honor rather than a means to get rich through illegal activities. If a police officer is expected to risk life and limb in the service of the community, then the worth of that officer must be validated through a good salary, generous benefits, training, and a development of pride in one's work and

in one's position in the community. To break that public trust through corrupt acts should mean not only loss of freedom, loss of assets, and loss of a career, but loss of honor.

Only by changing the mindset of what it means to be a police officer can corruption be addressed. Instead of a police officer in Tijuana or Matamoros looking enviously at what his counterpart across the border makes in salary and benefits, that same officer should feel pride in knowing that he makes a similarly good living, that his work matters, and that he occupies an important position in the civil society. If the self-worth of a Mexican police officer equates to that of police professionals in the United States, there can be a dramatic alteration along the border in the way law enforcement operates. But there has to be a will to do so and, for that, there needs to be a large stick looming over the heads of all those, from the newly badged patrolman up to the chief of police and higher, who know that if they are caught committing corrupt acts, their freedom will be taken from them, their savings and assets will be taken from them, and their pride and standing in the society will be taken from them.

### Complicity across the border

The extreme level of violence along the US–Mexico border due to fighting between drug traffickers and between the government and drug traffickers grows because so much money is at stake. But drug trafficking and the corruption that allows the drug lords to persist is not just a Mexican problem. Without complicity in moving extreme amounts of drugs and money into and out of the United States, there would be no drug trafficking problem or a drug war raging at the present time.

There must be corruption across the border in the United States, according to President Calderón, who recently stressed that it is impossible to transport tons of cocaine across the border into the United States without complicity by some American authorities.<sup>95</sup> As evidence, Calderón pointed out that 90% of the weapons used in the current drugs violence originated from among the more than 11,000 gun shops in towns and cities close to the US–Mexico border.<sup>96</sup> The United States' government has long been vigilant of the potential for corruption among the nation's Customs and Border Protection officers, and has periodically established FBI-led Border Corruption Task Forces to investigate allegations of officers taking bribes from Mexican smugglers. One recent investigation led to the arrest of a decorated Customs inspector for colluding with a smuggler of illegal aliens (known as *coyotes*). The inspector pleaded guilty to accepting nearly \$100,000 in bribes and sexual favors from a female smuggler and was sentenced to five years in prison and a \$200,000 fine.<sup>97</sup> The pressure brought on border inspectors and officers to succumb to corruption is growing due to increased smuggling along the border and more money being made by smugglers and drug traffickers. Federal officers interviewed for a PBS Frontline report in 2008 acknowledged that there have been over one hundred similar

arrests since 2003 and that, at the time of the interview, there were nearly 200 open investigations of corruption among US border officers and inspectors along the US–Mexico border.<sup>98</sup> In another case of corruption across the border, an INS employee was bribed by the drug trafficker to transport drugs into the United States on INS buses used for deporting illegal aliens back to Mexico.<sup>99</sup>

In the end, it is not the individuals on the ground north of border that get caught up in the allure of easy money in exchange for looking the other way. The individuals most to blame for their complicity with corruption in Mexico are the politicians and policymakers in Washington, DC, who have allowed their Mexican counterparts to get away with illegality for decades. The US government has utterly lacked the courage and resolve to put whatever Mexican administration that is in power in its place and to demand accountability, transparency, and adherence to the rule of law. Bullies will stay bullies, until someone stronger comes along to put them in their place and expose them for the coward they are. Only the United States can make Mexico change. Unfortunately, the policymakers in Washington are either reticent or scared to upset the relationship between the United States and Mexico and all that relationship entails with regards to international commerce and the economies of both nations. Mexico will not change its ways from within. It would take concerted and unrelenting discipline imposed on Mexico by the United States government to effect change in the level of corruption in Mexico.

## Conclusions

Corruption is a self-sustaining dynasty in Mexico, through which a steady, unbroken stream of politicians, businessmen, judges, and police pass beneath its yoke. Some are caught and become sacrificial lambs to make it seem as if whatever government is in power is taking action to fight it. Some of those caught don't care because they can use political connections and back room deals to escape justice.<sup>100</sup> Some anti-corruption efforts are merely good theater, such as occurred in 2006 when the Mexican government claimed to have terminated 945 federal employees and suspended 953 more following investigations into public corruption.<sup>101</sup> As recently as May 2009, Mexican federal law enforcement arrested 10 mayors and 18 local officials in the northwestern state of Michoacan on charges of collusion and providing intelligence information to the La Familia Cartel.<sup>102</sup> No one ever seems to know much about the outcomes of such highly publicized busts, or whether the wrongdoers forfeit their ill-gotten assets. And who is to say that the mayors will not be replaced by another band of corruptible officials, or that the individuals leading the investigations and conducting the purges are not simply clearing out the ranks in order to put their own people and systems of corruption into place? The Mexican government is little more than corrupt actors replacing corrupt actors so that the more things appear to change; the more things stay the same. The faces change, but the system of corruption remains sacrosanct and unbreakable.

Impunity or near-impunity also contributes to the laissez-faire attitudes of corrupt politicians, judges, and civil servants. Even if they are caught and convicted for corruption, their punishments are a joke. When the Clinton administration was considering Mexican certification or decertification in the drug war, a political imprimatur having significant economic impact for Mexico, the Mexican government promptly arrested and jailed a high level Juarez cartel king pin, Oscar Malherbe de Leon. Yet, even before the ink was dry in Washington, another high level money launderer, linked to the Salinas administration, simply walked out of jail, 'despite the fact that his jail cell had apparently consisted of six rooms with telephones and fax machines so that he could keep in touch with his business associates'.<sup>103</sup> Corruption also serves as the price of buying one's freedom in Mexico by paying out mega bribes to stay out of jail or to preserve one's life.<sup>104</sup> One achieves wealth and status through corruption, with enough money, corruption buys freedom, protection from accountability, an air of indignation (*hubris*), and the ability to use national sovereignty as a shield for criminality.<sup>105</sup>

In a nation where one's origins and familial connections determine one's place in the society, the opportunities for someone to make something of oneself are severely limited by a rigid caste system. Advancement through corrupt means is the only realistic avenue for an enterprising individual from humble origins to get ahead, or for a member of the political and economic elite to rise higher in power and wealth. It would take a massive breakdown and reordering of Mexican society to free Mexico from corruption's stranglehold. But the individuals who have the capacity to lead such a drastic reform are the same individuals who would have the most to lose from doing so.

At some point, the Mexican government and the Mexican people may come to terms with the idea that while corruption greases the wheels, its detrimental effects eventually erode the capacity of the state to govern. More likely, the system of rule by corruption will keep grinding along, spitting out the unlucky from time to time, while carrying the Mexican state forward in a tenuous ebb and flow of deceit, intrigue, and criminality.

## Notes

1. *Author's note:* I was once a judge in one of the most corrupt court systems in the world, the judiciary of Colombia. No matter how hard I strived to defend the rule of law and to dedicate my skills and energies to my job, I was often overwhelmed by a level of corruption and ineptitude ingrained in the system that rendered me powerless and discouraged. The police under my authority were paid off by the drug lords to tamper with or lose evidence. They would line up outside the gate of the local drug lord's estate on holidays to receive monetary gifts for their 'service to the community'. Witnesses were routinely threatened into silence or disappeared all together. The cases against drug traffickers or corrupt influential members of the community that I did manage to adjudicate were often overturned when sent up to the higher court, or simply went away. When I refused efforts to bribe me, I was threatened and attempts were made on my life. When my family came under threat,

I had no choice but to resign my judgeship and leave Colombia. As I have conducted my research for this article, I see so many startling parallels with what I experienced in Colombia in the 1980s. I notice the same methods of corruption and criminality at work and all the ingredients to fuel its proliferation: massive amounts of drug money available to pay bribes, political branches linked to drug traffickers and serving economic and political elite, poor compensation for police and civil servants, socio-economic conditions that encourage individuals to pursue criminal activities in order to survive and get ahead, and above all, hubris – imbued in all the corrupt politicians and officials who smugly believe they are above the law and untouchable. Mexico is so broken and damaged by corruption that no number of reform programs or re-engineering of the systems affected can fix Mexico unless the civil society willingly demands drastic changes and is ready itself to change the culture of corruption embedded in it. Fixing corruption entails taking measures that would be so disruptive to the political and cultural status quo that doing so would bring the Mexican state as we know it to its knees. Who knows if someone will be willing to commit political suicide to risk the fallout that would result with what would essentially be a draconian political revolution? Mexico is not a state afflicted with corruption, but rather a state of corruption ruling the fate and fortunes of a beleaguered nation.

2. See Hamilton, 'The Story of Narcocorridos' at part 5, p. 1.
3. Robinson, *The Merger*, 253.
4. After the crash of the Mexican peso in 1994, drugs surpassed oil as the prime source of currency in Mexico. *Ibid*.
5. See International Relations and Security Network, *Guns Galore*, and also Stewart and Burton, 'A Counterintelligence Approach to Controlling Cartel Corruption'.
6. See Samuels, 'In Mexico, Culture of Corruption Runs Deep' (quoting Eduardo A. Bohorquez of Transparencia Mexicana, the leading organization monitoring corruption in Mexico, who defined corruption as taking a mandate from a public group and acting on one's own behalf).
7. Raul Salinas de Gortari gained immense wealth through corrupt means through his political connections with his brother, President Carlos Salinas de Gortari. The corruption scandals attached to the Salinas family still haunt Mexican politics. Among the many stories, one involves Raul's wife, Paulina Castanon de Salinas, who was arrested in Switzerland attempting to withdraw \$84 million from an account in the name of one of Raul's aliases. When asked why she didn't withdraw a little at a time, her reply was, 'I was taking a little at a time'. See Robinson, *The Merger*, 259.
8. Ratified by Mexico on 20 July 2004, available at <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>.
9. Adopted 29 March 1996 and ratified by Mexico on 27 May 1997, available at <http://www.oas.org/Juridico/english/treaties/b-58.html>.
10. Ratified by Mexico on 27 May 1999, available at <http://www.oecd.org/dataoecd/4/18/38028044.pdf>.
11. Morris, *Corrupción y Política en México Contemporáneo*, 62.
12. One might recall the embarrassment of General Jose de Jesus Gutierrez Rebollo, Mexico's drug czar, arrested for accepting bribes from high level drug lords not ten weeks after his appointment to the post and not two weeks after United States Drug Czar General Barry McCaffrey called him 'an honest man' and 'a guy of absolute integrity'. See Meisler and Shogren, 'Mexico Told U.S. Nothing of Probe into Drug Czar', A20.
13. For a comprehensive description of the programs and legislation implemented during the Fox administration, see Trejo, 'El diseño de la política anti-corrupción



- del gobierno federal de México, 2000–2006’, and also Berrondo, *Federal Law of Transparency and Access to Public Government Information*.
14. Ledo, ‘Mexico: La corrupción azul’, *El Universal*. Curiously enough, *El Universal* newspaper was owned at this time by Carlos Ahumada, a political opponent of Vicente Fox, who himself was charged in 2004 with corruption of government officials. Caciques were indigenous rulers and minor nobility of the cultures who occupied much of pre-colonial Mexico, whose system of loyalties were of a nature similar to the patron/client system of ancient Roman origin.
  15. For a comprehensive chronicle of events regarding corruption in Mexico since 1994, see Global Integrity’s *2006 Country Reports Timeline for Mexico*.
  16. See *Mexico: 2007*, at Global Integrity. Among the categories measured for which Mexico show a weak ranking were Media, Judicial Accountability, Whistle-blowing Measures, Privatization, Taxes and Customs, Business Licensing and Regulation, Anti-corruption Agency, Access to Justice, and Law Enforcement. The results were based on 290 integrity indicators tracked over a 10-year period and included peer review perspectives and on-the-ground journalist reports. Of 100 points possible in the index, the legal framework to fight corruption ranked a fairly strong 87 out of 100, but the actual implementation ranking was a dismal 39 out of 100, which suggests an all-too-familiar condition in weak and failing states that even when there may be laws on the books to combat corruption and crime, without a monitoring and law enforcement capability to give laws teeth, corruption will continue to flourish.
  17. See Transparency International, *2008 CPI Table*. Mexico tied with Bulgaria, China, Macedonia, Peru, Suriname, Swaziland, and Trinidad and Tobago. Those Latin American states scoring better than Mexico in the Index were Chile (23rd), Uruguay (23rd), Costa Rica (47th), El Salvador (67th), and Colombia (70th). Denmark ranks first on the index for lowest perceived corruption, while the United States ranks eighteenth, tied with the UK, Belgium, and Japan.
  18. DePalma, ‘How a Tortilla Empire Was Built on Favoritism’.
  19. Morris, *Corrupción y Política en México Contemporáneo*, 63.
  20. Such a noteworthy example is the case of an Argentine industrialist, Carlos Ahumada, who emigrated to Mexico as a teenager in 1975. He started out washing car windows on the street and rose to riches through various business schemes and bribery networks among high ranking politicians. A newspaper account of his rise and downfall paint a picture of corruption typical of politics and business in Mexico. When he was charged with corruption, he produced a series of videotapes he had scrupulously made of his bribery transactions with government officials, and his ties to political notables, including the former mayor of Mexico City and presidential hopeful, Andres Manuel Lopez Obrador, resulted in a number of politicians going underground and scrambling to concoct plausible denials of collusion in Ahumada’s corruption activities. See O’Boyle, ‘Contracting trouble’, and Dellios, ‘Shots Add Twist to Race in Mexico’, C10.
  21. Samuels, ‘In Mexico, Culture of Corruption Runs Deep’.
  22. *Ibid.*, citing Dr. David Shirk at the University of California San Diego, who notes that, ‘Mexicans who go to another country behave the way the laws and rules of that country dictate. We have 20 million Mexicans in the U.S., and I don’t think they’re bribing the police’.
  23. Durazo was given this rank by López Portillo despite having never served in the military.
  24. Durazo then lived quietly in retirement and died in 2000.
  25. Other than bringing down Durazo’s empire, De la Madrid, himself the subject of many accusations of corruption, could do little to break up the level of corruption



among the powerful elite during the Portillo years because the excessiveness was so tied to the presidency and the central government that many individuals, including the head of Mexico's petroleum monopoly PEMEX, Jorge Diaz Serrano, escaped accountability for complicity in political corruption.

26. Andreas, 'The Political Economy of Narco-Corruption in Mexico', 160, 162.
27. Cevallos, 'Police Caught between Low Wages, Threats and Bribes'.
28. Samuels, 'In Mexico, Culture of Corruption Runs Deep', citing John Bailey of Georgetown University, who posits that distrust of Mexican police officers, 'is deeply learned sitting at the table listening to one's parents'.
29. Cevallos, 'Police Caught between Low Wages, Threats and Bribes'.
30. Such realities of working in a corrupt system are made known to the police officers early on in their academy training, such as it is. Some police officers themselves have criminal backgrounds and view police work as a way to utilize their criminal skills for earning money through corrupt means. See generally Botello et al., *Policía y Corrupción*.
31. Associated Press Worldstream, 'Mexico Detains 93 Police in Corruption Probe'.
32. Becker, 'Mexico under Siege', A1.
33. Ibid. The article also reports about the newly appointed police chief of La Junta who was offered cash and a new car by men who said the gifts came from an aide to the mayor. In exchange, he was expected to issue bogus calls for assistance from federal police in order to create a diversion so that drug shipments could cross the border. If he refused, he would be killed and his family harmed. He refused, and after his family was threatened, he took them to El Paso to request political asylum.
34. See The Stray Dodger, 'The Economic, Political, and Institutional Causes of Crime in Mexico', citing Central Intelligence Agency, *World Factbook 2006*.
35. Ibid. On the plus side, Mexicans are generally ahead of many other developing nations in terms of literacy and health.
36. Black, 'Mexico Raises 2009 Daily Minimum Wage Below Inflation Rate', noting that the raise is still 1.7 percentage points below the current annual inflation rate.
37. See US Department of Labor Wage and Hour Division, 'Minimum Wage Law in the States – July 1, 2009'.
38. Andreas, 'The Political Economy of Narco-Corruption in Mexico', 160, 162.
39. Cevallos, 'Police Caught between Low Wages, Threats and Bribes'.
40. Andreas, 'The Political Economy of Narco-Corruption in Mexico', 160, 162. Some postings have even been auctioned off to the highest bidder from within corrupt law enforcement agencies.
41. Ibid., citing the case of Salinas de Gortari's top anti-drug prosecutor, Mario Ruiz Massieu, who in 1994 received a million dollars in kickbacks from federal police commanders and prosecutors to gain lucrative assignments.
42. Samuels, 'In Mexico, Culture of Corruption Runs Deep'.
43. Frey, 'The Transfer of Core-Based Hazardous Production Processes to the Export Processing Zones of the Periphery', 317, 319.
44. See Corchado, 'Mexico Sees "Brain Drain" As the Brightest Go North', citing a report by the International Organization for Migration.
45. Isla, 'Commentary: Bilingual is Better, Especially on Borders'.
46. Pinkerton, 'Drug Violence: Affluent Fleeing Crime in Mexico', A1, according to Elvia Garcia, outreach coordinator for the Paso Del Norte Civil Rights Project in El Paso.
47. Frey, 'The Transfer of Core-Based Hazardous Production Processes to the Export Processing Zones of the Periphery', 317, 324.
48. *London Daily Mail Online*, 'Half of My Country's Police Aren't Up to the Job, Says Mexican President Locked in Bloody Fight with Drug Cartels' (in a written

- response to questions from legislators). The same article reported on the charging of a police commander and a drug cartel member in the kidnapping and murder of 24 men outside Mexico City, believed to have been rival drug traffickers.
49. Cevallos, 'Police Caught between Low Wages, Threats and Bribes'.
50. Ibid.
51. Ibid.
52. Kraul, 'Mexican Cops Get a Required Reading List', A3.
53. Ibid.
54. Ibid.
55. It is interesting to note that his predecessor as mayor presided over a notoriously corrupt administration and police force, and subsequently went to jail for corruption.
56. Kraul, 'Mexican Cops Get a Required Reading List', A3.
57. Ibid.
58. Ravelo, 'Las policias: Improvisación, caos, desastre', citing eminent legal scholar Eduardo Buscaglia.
59. Ibid.
60. Ibid.
61. Kraul, 'Mexican Cops Get a Required Reading List', A3.
62. Ibid.
63. Ibid.
64. Andreas, 'The Political Economy of Narco-Corruption in Mexico', 160, 164.
65. Government Accountability Office (GAO), *Firearms Trafficking*, 51. According to the report, 'in late 2008, President Calderon's administration terminated around 500 officers on Tijuana's police force and brought in the military to fill the gap until new officers who had been sufficiently vetted could be hired and trained'.
66. Cevallos, 'Police Caught between Low Wages, Threats and Bribes'.
67. Ibid.
68. US Department of State, *2008 Human Rights Report: Mexico*.
69. There are many honest and hard working judges, prosecutors, and judicial police officers who try their best to do their job. But they are often marginalized and overwhelmed and must preserve their own careers and livelihoods.
70. See Transparency International, *Global Corruption Report 2007*, 15.
71. An adversarial system alone cannot change a culture of corruption. Such a system can produce a more efficient, predictable and sometimes equitable process, but changes must occur in the Mexican political system and society as a whole.
72. Menendez, *Mexico: The Traffickers' Judges*, *Global Corruption Report 2007*, 77.
73. Trejo, 'Inaceptable Reinstalan a Jueces Corruptos; Nazario', Amparo is a constitutional remedy that allows judicial protection of constitutional rights against any government action, including judicial decisions. See Fix-Zamudio, *Introducción al Estudio de la Defensa de la Constitución en el Ordenamiento Mexicano*.
74. Menendez, *Mexico: The Traffickers' Judges*, *Global Corruption Report 2007*, 77.
75. See Transparency International, *Global Corruption Report 2007*, 15.
76. United Nations Special Rapporteur, *Independence of Judges and Lawyers*, published as a 52-page report challenging the independence and effectiveness of Mexican judges.
77. *El Universal*, 'Reconoce Suprema Corte corrupción en jueces'.
78. Judges threatened by drug cartel tend to take the bribe instead of being killed. See Sullivan, 'Mexican Judges' Climate of Fear', A16.
79. In November 2001, two federal judges were killed by an AK-47. Until then, the police officers, politicians, and informants were targeted while the judiciary

- remained largely untouched by organized crime. See Sullivan, 'Mexican Judges' Climate of Fear', A16.
80. Menendez, *Mexico: The Traffickers' Judges*, *Global Corruption Report 2007*, 77.
  81. In April 2005, Judge Gómez Martínez presided over the case of Olga Patricia Gastelum Escobar and Felipe de Jesus Mendivil Ibarra, both accused of transporting \$7 million in cash and \$500,000 in jewelry and watches for the Sinaloa Cartel. The judge cleared Gastelum of wrongdoing, and the sentence was tarnished by many irregularities. Violations included notifying the prosecutor's office 24 hours after the defendant was freed from prison, when under article 102 of the Mexican Code of Criminal Procedure, such 'decisions cannot be executed without first notifying the public prosecutor'. Ibid.
  82. Ibid.
  83. Ibid.
  84. The trial of Garcia Abrego, head of the Gulf Cartel, revealed the freedom he had to operate, due to the millions of dollars in bribes he paid to members of the Mexican Justice Department, to deputy attorneys general, and to law enforcement officials. According to a testifying witness, Luis Esteban Garcia Villalón, a Federal Ministry agent, and Javier Coello Trejos, a deputy attorney general in the General's office, obtained monthly installments of \$1.5 million. See Thorpe, 'Anatomy of a Drug Cartel'.
  85. The United States won a forfeiture judgment of \$8 million claimed to be bribe money from narcotraffickers in Mexico and stashed in Texas banks by Mario Ruiz Massieu, who served twice as a Deputy Attorney General and who in 1994 supervised federal police and anti-drug operations. Swiss officials confiscated more than \$132 million from drug traffickers' bribes deposited in banks by Raul Salinas de Gortari, brother of President Carlos Salinas de Gortari. See Golden, 'In Breakthrough, Mexican Official Testifies in Texas'.
  86. According to Thomas A. Constantine, the administrator of the United States Drug Enforcement Administration, the Mexican cartels learned from the Colombian Cali Cartel that the only manner organized criminal syndicates prosper is by corrupting officials and intimidating citizens. See Constantine, *Interviews*.
  87. Trejo, 'Inacceptable Reinstalen a Jueces Corruptos; Nazario'.
  88. The ex-employee accused of kidnapping and killing the victim went free. See Aviles, 'Marti pide castigo para jueces corruptos'. Before the investigation was completed, Judge Gustavo Ramirez Avila freed a criminal accused of aggravated armed robbery. Trejo, 'Inacceptable Reinstalen a Jueces Corruptos; Nazario'.
  89. Judge Maria Claudia Campuzano freed a man who killed US businessmen. According to the prosecutor's office, the judge described the killer as 'a modern Robin Hood who doesn't only rob and distribute what he obtains in the robbery, but gives all the money to his sidekicks without any profit for himself'. See Sheridan, 'Mexican Judge Frees Men Held in American's Killing'. See also Fix-Fierro, 'La reforma judicial en Mexico, de donde viene? A donde va? Reforma Judicial' (describing how two judges accepted money to free a murderer).
  90. In 1988 Supreme Court Justice, Ernesto Diaz Infante, after receiving \$500,000 pressured Magistrate Judge Gilberto Arredondo to liberate a man who had raped a child. See Cacho, 'El buen juez por casa empieza'. See also Hughes, 'Law and Disorder', 10.
  91. According to the Court, judges not only act corruptly but collude with organized crime. See also Fix-Fierro, 'La reforma judicial en Mexico, de donde viene? A donde va? Reforma Judicial'. See also Allende, 'Reconoce Suprema Corte corrupción en jueces'.

92. Corruption by patronage limits more 'the competitiveness of politics and responsiveness of government than to threaten their viability'. See Elliot, 'Corruption as an International Policy Problem'.
93. Menendez, *Mexico: The Traffickers' Judges*, *Global Corruption Report 2007*.
94. Samuels, 'In Mexico, Culture of Corruption Runs Deep'.
95. See BBC interview, 'U.S. Graft Adds to Mexico's Woes'.
96. Ibid.
97. See PBS Frontline Report, 'Mexico: Crimes at the Border'.
98. Ibid.
99. The drug dealer shipped cocaine to Houston, and a Joe Polanco, a former INS officer, coordinated with friends in the INS to place the drugs on the bus. INS vehicles were always waved through checkpoint at Sarita. See Thorpe, 'Anatomy of a Drug Cartel'. For an additional list of instances of border corruption in Texas, see Grits for Breakfast, 'Border Corruption Runs Amok'.
100. Among the most notorious instances of near impunity is the case of Raul Salinas de Gortari, who salted away hundreds of millions of dollars during his brother's administration, and was arrested in connection with the 2004 murder of a rising politician, José Francisco Massieu. Despite significant evidence in the case, which was investigated by Massieu's brother, Raul Salinas was acquitted a year later. Massieu resigned and fled Mexico to be reunited with \$7 million deposited in his bank account in Texas amid accusations that he had been bought off by the Salinas brothers to make the case go away. See Robinson, *The Merger*, 259.
101. Government Accountability Office (GAO), 51.
102. Castillo, 'Mexico Detains 10 Mayors for Alleged Drug Ties'.
103. Robinson, *The Merger*, 260.
104. Robinson, *The Merger*.
105. Ibid. (quoting US Senator Charles Grassley, who expressed his frustration with Mexico's unwillingness to extradite drug traffickers). The remarks were in reaction to the Clinton administration caving into President Zedillo's indignation over the US-led anti money-laundering operation in Mexico which uncovered three of Mexico's largest banks laundering more than \$157 million worth of drug profits – the largest anti-money laundering operation ever.

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